



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)
Deadline – Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names.

Thomas Molnar Fisher

B. Current home and office addresses, including email addresses and telephone numbers.

HOME	OFFICE
	Office of the Attorney General 302 West Washington Street IGC South, Fifth Floor Indianapolis, IN 46204 317-232-6255

C. Date and place of birth.

PLACE	DATE
JASPER COUNTY HOSPITAL RENSSELAER, INDIANA	November 27, 1968

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

See Attachment 1

- II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

Attached

- III. A. State in what county you currently reside and since what date.

COUNTY	DATE
MARION COUNTY, INDIANA	September 1998

- B. List all previous counties of residence, with dates.

COUNTIES	DATES
JASPER COUNTY, INDIANA	November 27, 1968-August 1987
MONTGOMERY COUNTY, INDIANA	August 1987-May 1988 August 1988-May 1989 <div>ABERDEEN, SCOTLAND October 1989-May 1990</div> August 1990-May 1991

HENDRICKS COUNTY, INDIANA	May 1988-August 1988 May 1989-October 1989 May 1990-August 1990 May 1991-August 1991
MONROE COUNTY, INDIANA	August 1991-July 1992 <div>MADRID, SPAIN July 1992</div> August 1992-May 1993 August 1993-May 1994
TIPPECANOE COUNTY, INDIANA	August 1994-July 1995
MARION COUNTY, INDIANA	May 1993-August 1993 May 1994-August 1994 July 1995-October 1995
FAIRFAX COUNTY, VIRGINIA	October 1995-September 1998

C. When were you admitted to the Indiana Bar?

October 31, 1994

D. Are you currently on active status?

Yes

E. What is your attorney number?

17949-49

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

SCHOOL	DATES ENROLLED	DEGREE OR CERTIFICATE
WABASH COLLEGE CRAWFORDSVILLE, INDIANA	August 1987- May 1991	A.B. See Transcript, Attachment 2
UNIVERSITY OF ABERDEEN ABERDEEN, SCOTLAND	October 1989- May 1990	None See Transcript, Attachment 3

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

SCHOOL	DATES ENROLLED	DEGREE/CLASS RANK
INDIANA UNIVERSITY MAURER SCHOOL OF LAW BLOOMINGTON, INDIANA	August 1991- May 1994	J.D./Top 10% See Transcript, Attachment 4
COLLEGE OF WILLIAM AND MARY MARSHALL-WYTHE SCHOOL OF LAW SUMMER LAW PROGRAM UNIVERSITARIO SAN PABLO MADRID, SPAIN	July 1992- August 1992	None See Transcript, Attachment 5

C. Describe any academic honors, awards, and scholarships you received and when.

SCHOOL	AWARDS
INDIANA UNIVERSITY MAURER SCHOOL OF LAW BLOOMINGTON, INDIANA	<ul style="list-style-type: none"> • <i>Magna cum laude</i> (1994) • Order of the Coif (1994) • Indiana Law Journal (1992-1994) • Wendell Willkie Fellowship (\$500) (1992-1993) • Law School Merit Scholarship (\$500) (1993-1994) • Top Grade: Indiana Constitutional Law (1992) • Top Grade: Federal Criminal Law (1993) • Dean's Honors all semesters
WABASH COLLEGE CRAWFORDSVILLE, INDIANA	<ul style="list-style-type: none"> • <i>Summa cum laude</i> (1991) • Phi Beta Kappa (1991) • George Lewes Mackintosh Fellowship (1991) • N. Ryan Shaw, II Award in Political Science (1991) • Distinction, oral and written comprehensive examinations (1991) • Waldo E. Stephens Award in Political Science (20% Tuition) (1990) • Citation for paper in Political Science 2 (1988) • Citation for performance in Cultures and Traditions 2 (1989) • Dean's list five of six semesters on campus • President's Scholar (80% Tuition) (1987-1991)
UNIVERSITY OF ABERDEEN ABERDEEN, SCOTLAND	<ul style="list-style-type: none"> • Kathleen Edwards Prize in Medieval History (1990)
TRI-COUNTY HIGH SCHOOL WOLCOTT, INDIANA	<ul style="list-style-type: none"> • Academic Wall of Fame (1988) • Tri-Kappa Salutatorian Award (1987) • Hoosier Scholar (\$500) (1987) • Presidential Academic Fitness Award (1987) • Elks "Most Valuable Student" Scholarship-Leadership Award (\$500) (1987) • Psi Iota Xi Outstanding Band Award (1987) • Varsity Basketball Scholastic Award (1987) • National Honor Society (c.1986) • Multiple class performance awards (1984-1987)

V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

EMPLOYERS	DATES	POSITIONS
OFFICE OF THE ATTORNEY GENERAL 300 West Washington Street IGC South, Fifth Floor Indianapolis, IN 46204 (317) 232-6201	July 2005-	Solicitor General
OFFICE OF THE ATTORNEY GENERAL 300 West Washington Street IGC South, Fifth Floor Indianapolis, IN 46204 (317) 232-6201	February 2001- July 2005	Special Counsel
BAKER & DANIELS 300 North Meridian Street Suite 2700 Indianapolis, IN 46204 (317) 237-0300	October 1998- February 2001	Associate Litigation Team
JONES DAY 51 Louisiana Avenue, N.W. Washington, D.C. 20001 (202) 879-3939	October 1995- September 1998	Associate Issues & Appeals Practice Group
THE HONORABLE MICHAEL S. KANNE UNITED STATES COURT OF APPEALS Halleck Federal Building Fourth and Ferry Streets Lafayette, IN 47941 (765) 420-6200	August 1994- August 1995	Law Clerk
BINGHAM SUMMERS WELSH & SPILMAN 2700 Market Tower 10 West Market Street Indianapolis, IN 46204 (317) 635-8900	May 1993- August 1993	Summer Associate
BUNGER & ROBERTSON 226 South College Avenue Bloomington, IN 47404-5177 (812) 332-9295	May 1992- May 1993 August 1993- July 1994	Law Clerk

THE OLD SPAGHETTI FACTORY 210 South Meridian Street Indianapolis, IN 46225-1019 (317) 635-6325	May 1991- August 1991	Waiter
INDIANA DINNER TRAIN/ NORMAN'S AT UNION STATION Indianapolis, IN	May 1991- August 1991	Waiter

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

EMPLOYERS	CHARACTER OF PRACTICE	TYPICAL OR FORMER CLIENTS	SELECTED COLLEAGUES
JONES DAY	Combination of appellate work and complex litigation. Focused on constitutional law and intellectual property litigation, principally (but not exclusively) in federal courts.	<ul style="list-style-type: none"> • The Lubrizol Corporation • American Games, Inc. • Micro Chemical, Inc. • Washington Legal Foundation • District of Columbia 	Gregory A. Castanias Timothy B. Dyk Gregory Katsas Donald B. Ayer Lydia Turnipseed John Nalbandian David Adler
BAKER & DANIELS	Appellate and business litigation in state and federal courts. Continued focus on constitutional law and intellectual property litigation, but also including general business litigation.	<ul style="list-style-type: none"> • Eli Lilly & Company • CSX Transportation, Inc. • City of Indianapolis • Consecro, Inc. 	Jay Ham Christopher G. Scanlon Mathew R. Gutwein David Harris Andrea Roberts John R. Schaibley, III Jay Yeager
OFFICE OF THE ATTORNEY GENERAL	Chief legal policy advisor to the Attorney General. Appellate and trial court litigation in significant constitutional cases and other especially complex disputes in both state and federal courts. Gatekeeper for multi-state amicus participation. Responsible for all U.S. Supreme Court matters, which has included three oral arguments before the Court. Portfolio formerly (2001-2002) included enforcing the National Tobacco Master Settlement Agreement and related legislation.	<ul style="list-style-type: none"> • The State of Indiana • The Governor of Indiana • The Attorney General of Indiana • The Secretary of State of Indiana • The Treasurer of Indiana • The Indiana Superintendent of Public Instruction • The Speaker of the Indiana House of Representatives • The Chief Justice of Indiana • Assorted Indiana state agencies and commissions and their officials 	Steve Carter Greg Zoeller Gary Secrest Steve Creason Julie Brubaker Heather Hagan Ashley Tatman

C. Describe the extent of your jury experience, if any.

I have never tried a case to a jury, and I have never been picked to serve on a jury, though I have been through *voire dire* as a prospective juror.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

N/A

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

CASE	FILING DATE	DESCRIPTION
Brief of Respondent, <i>Hammon v. Indiana</i> , No. 05-5705 (U.S.)	February 2, 2006	In this domestic violence case we argued to the U.S. Supreme Court that a victim's statements to police relating to her immediate safety should not be deemed "testimonial," and thus inadmissible, under the Confrontation Clause.
Brief of State Respondents, <i>Crawford v. Marion County Election Board</i> , Nos. 07-21, 07-25 (U.S.)	December 3, 2007	This is the State's brief to the U.S. Supreme Court defending Indiana's Voter ID Law, which requires voters to present government-issued photo identification at the polls, from constitutional challenge.
Respondents' Brief in Opposition to the Petition, <i>A Woman's Choice-East Side Women's Clinic v. Brizzi</i> , No. 02-935 (U.S.)	January 17, 2003	After successfully seeking reversal of a federal district court injunction against the enforcement of Indiana's abortion in-person counseling requirement, <i>see</i> 305 F.3d 684 (7 th Cir. 2002), we successfully opposed en banc and certiorari review. This brief opposing certiorari received the Best Brief Award from the National Association of Attorneys General.
Brief of the Indiana Department of Transportation, Governor Mitch Daniels, and Treasurer Tim Berry, <i>Bonney v. Indiana Finance Authority</i> , No. 71S00-0606-CV-00204 (Ind.)	June 12, 2006	In this case we successfully defended aspects of the Governor's Major Moves program against a multi-faceted state constitutional challenge. Among other things it discusses the history of the State's public works indebtedness and the relevance of that experience for understanding several anti-debt provisions of the 1851 State Constitution.

Brief of Appellee, *Clinic for Women v. Brizzi*, No. 49A05-0305-CV-259 (Ind. Ct. App.)

August 8, 2003

This brief defended Indiana's abortion in-person counseling requirement against a challenge brought under several state constitutional provisions. Among other things it argues that the Indiana Constitution does not, based on its text, history and structure, afford a right to abortion. The Court of Appeals held otherwise, but we ultimately convinced the Indiana Supreme Court to uphold the in-person counseling statute.

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

STATUTE	DATE SIGNED INTO LAW	SUBJECT MATTER
SEA 394, Public Law 2010-40, Section 1, amending Ind. Code § 34-14-1-11	March 12, 2010	Clarifying circumstances where the attorney general may be heard in a declaratory judgment action and related procedure.
SEA 394, Public Law 2010-40, Section 2, adding Ind. Code art. 34-33.1	March 12, 2010	Establishing that, in actions other than declaratory judgment actions, the attorney general must be notified of, and has a right to be heard in regard to, any challenge to the constitutionality of a state statute. Establishing that the attorney general has the right to file an <i>amicus curiae</i> brief in any matter pending in state court.
SEA 509, Public Law 2005-165, Sections 1-5, adding Ind. Code § 5-22-3-7 and amending scattered sections within Ind. Code art. 5-22	May 6, 2005	Requiring government contractors to certify compliance with the Indiana Telephone Privacy Act.
HEA 1501, Public Law 2005-222, Section 23, adding Ind. Code ch. 5-11-5.5	May 11, 2005	Creating a False Claims and Whistleblower Protection Act (based on a model act but tailored to Indiana circumstances).

- C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

ARTICLE	DESCRIPTION
Seventh Circuit Practice: <i>Certification of State Law Issues</i> , THE APPELLATE ADVOCATE, Spring 2009 (No. 47)	Discussed the standards for certifying questions from the Seventh Circuit to the Indiana Supreme Court and described several examples of cases featuring certified issues.
Seventh Circuit Practice: <i>Beware Jurisdictional Statements, Especially in Diversity Cases</i> , THE APPELLATE ADVOCATE, Summer 2007 (No. 41)	Discussed recent cases where the Seventh Circuit chastised counsel for fumbling jurisdictional statements.
Seventh Circuit Practice: <i>Proposed Federal Rule of Appellate Procedure 32.1: Should Citation to Unpublished Opinions Be Permitted?</i> , THE APPELLATE ADVOCATE, Summer 2004 (Vol. II No. 29)	Discussed proposed rule concerning citation to supplemental authority as well as advantages and disadvantages to different types of citation rules.
<i>Courtside</i> , THE COMMUNICATIONS LAWYER, Summer 1998 (Vol. 16 No. 2)	Discussed oral arguments in the Supreme Court of the United States in the First Amendment case <i>U.S. v. Finley</i> and the Court's recent First Amendment decision in <i>U.S. Debate Commission v. Forbes</i> .
Note: <i>Republican Constitutional Skepticism and Congressional Reform</i> , 69 IND. L.J. 1215 (1994)	Discussed philosophical underpinnings of the U.S. Constitution and analyzed whether proposals to alter the Constitution to impose congressional term limits and congressional campaign spending limits would be consistent with those underpinnings.

- D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

Included as Attachments 6-9.

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

CASE	DESCRIPTION
<i>Davis v. District of Columbia and Dwight Bynum</i> , 158 F.3d 1342 (D.C. Cir. 1998)	Successfully defended the constitutionality of a provision of the Prison Litigation Reform Act that restricts the rights of prisoners to sue for mental or emotional harm that occurs during incarceration. Presented oral argument on behalf of the District of Columbia before the United States Court of Appeals for the D.C. Circuit.
<i>Phillips v. Washington Legal Foundation</i> , 524 U.S. 156 (1998)	In case deciding that IOLTA funds are clients' property, drafted substantial portions of Washington Legal Foundation's certiorari and merits briefs; second-chaired oral argument in the Supreme Court.
Bread for the City and Zacchaeus Free Clinic	In the late 1990s I volunteered on one occasion at this multi-service free clinic in Washington, D.C., where I provided on-the-spot legal advice to indigent clients concerning landlord tenant disputes, public benefit claims and other issues.
<i>Gluzman v. United States</i> , No. 98-1326 (U.S.)	I represented the Texas Justice Foundation in the filing of a cert-stage amicus brief in a case challenging Congress's power to enact the criminal provisions of the Violence Against Women Act.
<i>McKee v. Joseph Goldsmith</i> , No. 49K01-9911-sc-9698	In 2000, I represented Mr. Goldsmith in a small claims dispute; reached out-of-court settlement.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

CASE	DESCRIPTION
<p><i>Indiana State Police Pension Trust et al. v. Chrysler LLC et al.</i>, No. 09-285 (U.S.)</p>	<p>In this matter I served as counsel of record, on behalf of the Indiana State Police Pension Trust, the Indiana Teachers Retirement Fund and the Indiana Major Moves Construction Fund, on a petition for writ of certiorari asking the Supreme Court to review the judgment of the Second Circuit, 576 F.3d 108 (2d Cir. 2009), approving a Section 363 bankruptcy disposition of essentially all Chrysler's assets to selected unsecured creditors. The petitioners, who were all first-lien secured creditors of Chrysler, were seeking to invalidate the efforts of the Obama Administration to award, in the context of a Chapter 11 bankruptcy, all valuable assets of Chrysler to unsecured creditors while leaving secured creditors with only partial payment.</p> <p>This case was especially significant because, as we wrote in the petition, it raised novel issues of bankruptcy law with far reaching consequences, the resolution of which would impact the Nation's capital markets, not to mention how this and future administrations would deal with troubled companies considered "too big to fail." In our view, and in the view of many economists, legal scholars and commentators across the country, this case presented a test of whether the economic Zeitgeist may supplant the order of economic rights to the assets of a bankrupt company as set by Congress and relied upon by the market.</p> <p>Our efforts (including those of lawyers at White & Case, who assisted as outside counsel) convinced Justice Ginsburg to stay briefly the closing of the sale. The Court ultimately allowed the sale to close, however, which then led it to grant our petition and vacate the judgment below as moot. Related matters remain pending in the Second Circuit, although I have not appeared in that court.</p>

Indiana v. Edwards, 128 S.Ct. 2379 (2008)

In *Edwards* I served as counsel of record in the U.S. Supreme Court and argued successfully that the Sixth Amendment does not guarantee the right of self-representation for a mentally impaired but trial-competent defendant. The State had lost on these grounds in the Indiana Supreme Court, but we convinced the U.S. Supreme Court that the issue had sufficient national significance—and was the subject of a sufficiently deep lower court conflict—to justify plenary review. The case was especially significant because high-profile incidents around the country where mentally impaired individuals have represented themselves at trial have caused an erosion of confidence in the criminal justice system. I presented oral argument before the Court on March 26, 2008.

Crawford v. Marion County Election Board, 128 S.Ct. 1610 (2008)/*League of Women Voters v. Rokita*, No. 49S02-1001-CV-50 (Ind.) (pending)

These are the Voter ID cases. In federal court our team successfully defended Indiana's law requiring voters to present government-issued photo identification at the polls. The State court litigation remains pending before the Indiana Supreme Court. I served as lead counsel for the State defendants throughout the litigation in both state and federal court, from the formulation of our defense strategies and briefing in the federal and state trial courts, through intermediate appellate courts, and on to oral arguments in the U.S. and Indiana Supreme Courts.

The Voter ID matters are especially significant because of their national implications. Many states have enacted or considered a variety of Voter ID laws, and the U.S. Supreme Court decision now serves as guidance for writing such statutes, at least as far as the U.S. Constitution is concerned. The federal case generated considerable public attention and led to my appearances on multiple national news programs, including Lou Dobbs Tonight and C-Span's Washington Journal. The State court case is also particularly significant given the popularity of the law and the constitutional issues that have been raised.

Hammon v. Indiana, sub nom. Davis v. Washington, 547 U.S. 813 (2006)

Here I served as lead Supreme Court counsel defending the admissibility of a police officer's testimony relaying a domestic battery victim's crime-scene statement. The case was especially significant because, unfortunately, all across the country such testimony is often the only way to convict domestic batterers, whose victims frequently refuse to testify. *Hammon* was the occasion for the first of my three oral arguments to the U.S. Supreme Court. And though we did not prevail in upholding the defendant's conviction, we did persuade the Court not to exclude police testimony as to victim statements given in emergency circumstances, which was one central argument of our case.

A Woman's Choice-East Side Women's Clinic v. Brizzi, 537 U.S. 1192 (2003)/
Clinic for Women v. Brizzi, 837 N.E.2d 973 (Ind. 2005)

After a federal district court enjoined the enforcement of Indiana's abortion in-person counseling requirement, I served as lead appellate counsel and secured reversal. *See* 305 F.3d 684 (7th Cir. 2002). We then successfully opposed en banc and certiorari review, with our certiorari brief receiving the Best Brief Award from the National Association of Attorneys General. Litigation over the in-person counseling requirement resumed in state court, and I led a team that persuaded the Indiana Supreme Court that the Indiana Constitution did not preclude the State from requiring a woman seeking an abortion to have an in-person consultation with her doctor 18 hours prior to the abortion. This case is especially significant for many reasons, not least of which is that it required exacting analysis of the text, history and structure of the Indiana Constitution as it relates to individual rights and the history of legislative protection of fetal life.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

NAME	CONTACT INFORMATION
KENNETH J. FALK	American Civil Liberties Union of Indiana 1031 East Washington Street Indianapolis, IN 46202 (317) 686-2930
PETER RUSTHOVEN	Barnes & Thornburg 11 South Meridian Street Indianapolis, IN 46204 (317) 231-7299
WILLIAM GROTH	Fillenwarth, Dennerline, Groth & Towe 429 East Vermont Street, Suite 200 Indianapolis, IN 46202 (317) 353-9363

VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

As the first Solicitor General of Indiana, I have had the opportunity to improve the law, legal system and administration of justice on a daily basis by providing comprehensive review of legal policy and strategy in the office of the Attorney General and by providing advocacy on behalf of the State. Among many other matters that directly affect the administration of justice, I have defended the constitutional validity of Indiana's canons regulating judicial political campaigns, litigated rulings of the Indiana Supreme Court impacting the criminal process, and presented arguments to federal and state courts alike concerning the limits of judicial power. I (along with colleagues also listed on the briefs) have twice received the Best Brief Award from the National Association of Attorneys General for excellence in written advocacy in the U.S. Supreme Court. For a representative list of cases, see Attachment 10.

Over the course of my career I have had the opportunity to teach both law school classes and CLE courses and to make speeches and presentations concerning the legal system, including on such topics as the role of the Attorney General within the legal profession, the immunity of state governments to private damages claims in federal court, citation to unpublished authority in state and federal courts, the proper uses of amicus briefs in state and federal courts, and the discovery of e-mail in litigation. I have participated as a moot court judge both for the Wabash College undergraduate competition and for the Maurer School of Law Sherman Minton competition, where I have twice judged in the final round. For a more complete list of presentations, see pages 2-3 of Attachment 11. In 2004 I was presented with the Richard O. Ristine Award by the Wabash College pre-law society for my contributions to the pre-law program, including regularly judging the semi-final round of the College's moot court competition.

Furthermore I have long served as a member of the board for the Indianapolis Lawyers Chapter of the Federalist Society and was president of the chapter from 1999-2001. In connection with the Federalist Society I have planned and participated in numerous debates, panel discussions and speeches focused on improving the law and the legal system. Topics of Federalist Society events that I have planned or taken part in include federalism, multidisciplinary practice, environmental regulation, and educational choice, among others.

Since 2008 I have been a member of the Sagamore American Inn of Court, where I have contributed to presentations concerning litigation strategy and rules of trial and appellate procedure. As a member of the Inn I have also had occasion to mentor younger members of my team.

In addition I have drafted proposed statutes and rules concerning both substantive law and the legal process. (See Part VI.B., *supra*.) Also, I have written several articles for an Indiana State Bar Association Publication concerning the practice of law in the United States Court of Appeals for the Seventh Circuit, and I have served for several years on the Seventh Circuit's Advisory Committee on Circuit Rules.

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

I have dedicated the majority of my career to public service. In the course of that career I have made significant contributions and achieved significant victories by pursuing state interests, defending state statutes, and litigating the actions of public officials in matters that necessarily have concerned civic, political and social issues, including (among others) the administration of elections, voter identification, redress of public corruption, alcohol regulation, residential telephone privacy, same-sex marriage, abortion, federal health care reform, religion in the public square (including Ten Commandments displays and legislative prayer), predatory lending, trust regulation, the Great Lakes infestation by Asian Carp, coal gasification permits, educational funding, and the leasing of the Indiana Toll Road. A representative list of cases is included as Attachment 10. As a result of some these efforts, in 2008 I was named to the Indianapolis Business Journal's Forty Under 40 list.

I have also participated in political and social issues by giving speeches and participating in debates on many of the same issues listed in the prior paragraph, including, for example, voter identification and religion in the public square. In the coming months I will be participating in a series of debates concerning the constitutionality of the Patient Protection and Affordable Care Act of 2010. A list of presentations concerning social issues that I have undertaken since 2000 is included at pages 2-3 of Attachment 11.

Outside the practice of law I have spoken on the nature of liberty to a church group and have discussed with school children why it is important that Abraham Lincoln was a lawyer. In addition I have served as a precinct committeeman for the local Republican Party and volunteered for, and donated to, several political campaigns. I have also assisted at our children's school with carrying out the Safe Routes to Schools project by reviewing and scoring various project proposals.

My activities concerning civic, political and social issues go back to my college years. In college I wrote news articles and opinion pieces for the school newspaper on subjects ranging from campus war memorials to the 1988 gubernatorial race. I also volunteered for the College Republicans and various Republican campaigns and was paid to organize college students in support of the campaign of Senator Dan Coats. In law school I was less politically active (though I volunteered at Republican State Committee on a few occasions) but published a scholarly piece concerning the consistency of congressional term limits and campaign spending caps with various strains of the American constitutional tradition.

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

ORGANIZATION	DATES	PURPOSE	OFFICES/ INVOLVEMENT
SECOND PRESBYTERIAN CHURCH, INDIANAPOLIS, IN	2000-	Religious Worship	Nominating Committee for Elders and Deacons (2005) Sanctuary Choir Member (2002-2009) Sanctuary Choir Treasurer (2004-2005) Sanctuary Choir Vice-President (2005-2006) Sanctuary Choir President (2006-2007)
CUB SCOUT PACK 84	2008-	Youth Scouting	Den Leader Pack Committee Member
BROAD RIPPLE-HAVERFORD LITTLE LEAGUE	2008-	Youth Baseball	Assistant Coach (2009, 2010)
BIG BROTHERS-BIG SISTERS OF MONROE COUNTY	1992-1994	Mentor underprivileged children	Big Brother
INDIANA HISTORICAL SOCIETY	2005-	Historical Appreciation	Member
SUPREME COURT HISTORICAL SOCIETY	1998-	Historical Appreciation	Member
THE HUDSON INSTITUTE	1997-2003	Study of Ideas	Member
THE CATO INSTITUTE	1999-	Study of Ideas	Member

YMCA OF GREATER INDIANAPOLIS	2001-	Family Activity, Physical Fitness	Member Assistant Youth Basketball Coach (2010)
INDIANA UNIVERSITY ALUMNI ASSOCIATION	2002-	To maintain connections between the university and its alumni; support for the university	Life Member
INDIANA UNIVERSITY MAURER SCHOOL OF LAW ALUMNI BOARD	2010-2012	To advise and assist the Dean and faculty of the law school	Board Member
NATIONAL ASSOCIATION OF WABASH MEN	1991-	To maintain connections between the college and its alumni; support for the college	Automatic Member
THE COLUMBIA CLUB	1993 c.1998-2001	Civic Social Club; Dining, Physical Fitness	Member
KAPPA SIGMA FRATERNITY	1988-	Residential College Fraternity; Lodging, Fellowship	Life Member Pledge Class Vice-President
DELTA THETA PHI	1991-1994	Law School Social Fraternity; community involvement, professional development, fellowship	Member
MERIDIAN-KESSLER NEIGHBORHOOD ASSOCIATION	c.2001-	Neighborhood Association	Member
IPS SCHOOL 84 PTSA	2008-	Parent-Teacher-Student Association; Participation in Education	Member
DOWNTOWN GOP CLUB	c.2002-2004	Local political party auxiliary; promote Republican candidates	Attended Meetings
MARION COUNTY REPUBLICAN CENTRAL COMMITTEE	1999-2000	Local political party; register voters, get-out-the-vote, promote Republican party candidates	Precinct Committeeman

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

ORGANIZATIONS	DATES	OFFICES/ INVOLVEMENT	PURPOSES
INDIANA STATE BAR ASSOCIATION	October 1994-	Member; Appellate Practice Section Participant	Voluntary bar association dedicated to advancement of the law in Indiana; professional development
DISTRICT OF COLUMBIA BAR ASSOCIATION	June 1997-	Member	Integrated bar association; bar membership
AMERICAN BAR ASSOCIATION	Student Division 1991-1994 Lawyer Division c.1994-1997	Member	Voluntary bar association; professional development
SEVENTH CIRCUIT BAR ASSOCIATION	2003-	Member	Voluntary bar association that facilitates relationships among lawyers and judges practicing in the federal courts of the Seventh Circuit; professional development
THE FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY STUDIES	Student Division 1993-1994 Lawyer Division 1995-	Board of Directors, Indianapolis Lawyers Chapter, 1998- President, Indianapolis Chapter, 1999-2001	Association of students, lawyers, law professors and others dedicated to the study and debate of important national legal issues; professional development
SAGAMORE AMERICAN INN OF COURT	2008-	Barrister	Association of lawyers at differing stages of their careers providing CLE programs and mentoring; civic participation, professional development

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

ORGANIZATION	MEMBERSHIP RESTRICTIONS
SECOND PRESBYTERIAN CHURCH Indianapolis, IN	Anyone may attend services and events, but membership is restricted to those who confess agreement with church doctrine; I have made no efforts to eliminate that restriction.
YMCA OF GREATER INDIANAPOLIS	None
KAPPA SIGMA FRATERNITY	This is a residential college fraternity, though membership is for life. Residential college fraternities and sororities have traditionally sorted themselves by sex, and I have made no efforts to eliminate the accompanying membership restrictions.

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

DATES	INSTITUTION	COURSE	DESCRIPTION
Fall 2010 Fall 2009	INDIANA UNIVERSITY MAURER SCHOOL OF LAW	<i>Representing the State</i>	Writing course examining in a systematic way the work of state attorneys general across the country and the special policy, ethical and legal considerations that come to bear on lawyers representing state agencies.
Spring 2008	INDIANA UNIVERSITY MAURER SCHOOL OF LAW	<i>Appellate Practice and Procedure</i>	Seminar exploring procedural details of handling appeals in state and federal courts. Co-taught with Gregory A. Castanias and Dean Lauren Robel.

G. Describe your hobbies and other leisure activities.

Mostly I enjoy spending time with my wife and four children, reading, and listening to music. I also listen to lectures from The Teaching Company. Until recently I have been a regular participant in the Sanctuary Choir at Second Presbyterian Church. The increasing demands of family and professional life, however, have required me to take a break from choral singing, though I hope to get back to it soon. Among my newer commitments have been stints as assistant coach for our son's YMCA basketball and Little League baseball teams. Also I have been spending time as leader of our son's Cub Scout den. Having played several varsity sports in high school and intramurals in college and law school, until my late thirties I continued to participate regularly in a variety of competitive sports, including softball and basketball, but injuries have convinced me to limit sports almost exclusively to playing with our kids. That said, I have been learning to play tennis in recent years, and I exercise several times per week. I also enjoy riding my bike, attending sporting events and going to the movies.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI.G.

NAME	CONTACT INFORMATION
STEVE CARTER	5768 Kilmer Drive Indianapolis, IN 46250 (317) 577-4307
MICHAEL S. KANNE	United States Court of Appeals for the Seventh Circuit Halleck Federal Building Fourth and Ferry Streets Lafayette, Indiana 47941 (765) 420-6200
GREGORY F. ZOELLER	Attorney General 219 State House Indianapolis, IN 46204 (317) 233-6530

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

NAME	CONTACT INFORMATION
JAMES A. JOVEN	Lewis & Wilkins The Guaranty Building, Suite 400 20 North Meridian Street Indianapolis, IN 46204 (317) 636-7460
CHRISTOPHER MOLLOY	President Bloomington Hospital Foundation P.O. Box 1149 Bloomington, IN 47402 (812) 353-9549
A. BROOKS PARKER, III, M.D.	5345 West 200 North Anderson, IN 46011 (765) 810-7574

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

CASE	EXPLANATION
<i>Carolina Tobacco Co. v. Angela Watson, et al.</i> , No. 03-CV-423-KL (D. Ore), <i>on appeal</i> , No. 03-35708 (9 th Cir.)	I was named as a defendant in my official capacity as a Deputy Attorney General. Plaintiff tobacco company sought declaratory and injunctive relief to release a portion of its monies deposited in escrow pursuant to Ind. Code § 24-3-3-1 <i>et seq.</i> The plaintiff named me on the mistaken understanding that I still enforced that statute on behalf of the Attorney General in April 2003. In all, 18 state deputy AGs, plus an official from the National Association of Attorneys General, were named as defendants. For names of other parties, see Attachment 12. The district court dismissed the case for lack of venue. See Attachment 13. Carolina Tobacco appealed, and on January 8, 2004, while the case was pending in the Ninth Circuit, I was voluntarily dismissed as a party. See Attachment 14.

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

N/A

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

JURISDICTION	DATE OF ADMISSION
PENNSYLVANIA	May 20, 1996
DISTRICT OF COLUMBIA	June 5, 1997

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

N/A

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

N/A

IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

Yes

June 27, 2010
DATE

Thomas M. Fisher
APPLICANT'S SIGNATURE

Thomas M. Fisher
PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

June 27, 2010
DATE

Thomas M. Fisher
APPLICANT'S SIGNATURE

Thomas M. Fisher
PRINTED NAME